



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket

December 09, 2011

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Stipulated Order Approving Compromise
Settlement of Claim re Daniel Newman**

The Stipulated Motion for Approval of Compromise Settlement of Claim of Daniel Newman [DE 9542] ("Stipulated Motion") to settle Proof of claim No. 10725-02030 filed by Daniel Newman as the Trustee for the Daniel D. Newman Trust Dated 11/1/92 ("Newman") came before the Court for consideration. No notice being necessary and good cause appearing, it is

ORDERED:

- Approving the Stipulated Motion;

- 1 • The \$90,000 portion of the Newman Claim relating to the Bundy Canyon \$5
2 Million Loan will be 40% allowed (\$36,000) and 60% disallowed (\$54,000).
3 Newman's response to the Bundy Canyon Objection is deemed withdrawn [DE
4 8753] and the objection is deemed sustained in accordance with these terms;
- 5 • The \$70,000 portion of Newman Claim relating to HFAH Clear Lake will be
6 20% allowed (\$14,000) and 80% (\$56,000) disallowed. Newman's response to
7 the HFAH Clear Lake objection is deemed withdrawn [DE 8894] and the
8 objection is deemed sustained in accordance with these terms;
- 9 • The \$60,000 portion of Newman Claim relating to Castaic Partners III will be
10 25% allowed (\$15,000) and 75% disallowed (\$45,000). Newman's response to
11 the Castaic Partners III objection is deemed withdrawn [DE 8848] and the
12 objection is deemed sustained in accordance with these terms;
- 13 • The \$15,914.35 portion of Newman Claim relating to Brookmere Matteson will
14 be 10% allowed (\$1,591.43) and 90% disallowed (\$14,322.91). Newman's
15 response to the Brookmere Matteson Objection is deemed withdrawn [DE 8753]
16 and the objection is deemed sustained in accordance with these terms;
- 17 • Based upon the foregoing, portions of Proof of Claim No. 10725-02030 allowed
18 as general unsecured claims (\$66,591.43), the Trust will make an immediate
19 4.92% distribution (\$3,276.29) to Newman as his *pro rata* share of the funds
20 reserved by the Trust from the initial creditor distribution. All other funds
21 reserved for the Newman Claim will be released from the Disputed Claims
22 Reserve and made available to the Trust for whatever purpose is appropriate in
23 the administration of the Trust.
- 24 • Newman will share in future distributions pro rata based upon the amounts of
25 his allowed claims.
- 26

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1 **AGREED, AND APPROVED AS**
2 **TO FORM AND CONTENT:**

3 
4 /s/ Daniel Newman

5 Daniel Newman
6 Trustee Daniel D. Newman Trust Dated 11/1/92
7 125 Elysian Drive
8 Sedona, AZ 86336

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PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (AZ 018024)

Robert M. Charles, Jr.
John Hinderaker (*pro hac vice*)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone: (702) 949-8320
Facsimile: (702) 949-8321

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